

**SUPREME COURT CALENDAR
SAN FRANCISCO SESSION
MAY 29, 30, and 31, 2001
(SECOND AMENDED)**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California, on May 29, 30, and 31, 2001.

TUESDAY, MAY 29, 2001—1:30 P.M.

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| (1) | S090791 | People v. Mitchell |
| (2) | S086220 | People v. Buckhalter |
| (3) | S075232 | People v. Collins |

WEDNESDAY, MAY 30, 2001—9:00 A.M.

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| (4) | S087265 | Conservatorship of Wendland |
| (5) | S085213 | In re Arturo D. <i>(To be called and continued to a future calendar)</i> |
| (6) | S089957 | People v. Toledo |
| (7) | S088091 | People v. Masloski |

1:30 P.M.

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| (8) | S090699 | Montenegro v. Diaz |
| (9) | S090730 | Renee J. v. Superior Court, County of Orange; (Orange County Social Services Agency) |
| (10) | S076262 | People v. Williams |

THURSDAY, MAY 31, 2001—9:00 A.M.

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|------|---------|----------------------------|
| (11) | S087484 | Richards v. CH2M Hill |
| (12) | S080150 | Flannery v. Prentice |
| (13) | S082570 | Donovan v. RRL Corporation |

1:30 P.M.

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| (14) | S088025 | People v. Sanchez |
| (15) | S083267 | People v. Cervantes |
| (16) | S004665 | People v. Ward Francis Weaver (Automatic Appeal) |

-----GEORGE-----
Chief Justice

If exhibits are to be transmitted to this Court, counsel must comply with Rule 10(d), California Rules of Court.

**SUPREME COURT CALENDAR
SAN FRANCISCO SESSION
MAY 29, 30, and 31, 2001**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, MAY 29, 2001—1:30 P.M.

(1) People v. Mitchell, S090791

#00-137 People v. Mitchell, S090791. (B123823; 82 Cal.App.4th 55.) Petition for review after the Court of Appeal modified sentence and otherwise affirmed a judgment of conviction of criminal offenses. The case concerns whether the People can seek to have the abstract of judgment corrected on appeal if it fails to reflect the fines and penalty assessments orally imposed by the trial court at sentencing, or whether a request to correct the abstract of judgment must first be made to the trial court.

(2) People v. Buckhalter, S086220

#00-51 People v. Buckhalter, S086220. (B128851.) Unpublished opinion. Petitions for review after the Court of Appeal affirmed a judgment on resentencing in a criminal case. The court limited review to the issue of whether the trial court must recalculate custody and conduct credits when it resentsences a defendant upon remand for resentencing or whether the calculation of credits from the date of initial sentencing is a task for the Department of Corrections.

(3) People v. Collins, S075232

#99-15 People v. Collins, S075232. (A079808.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case concerns whether a defendant's waiver of jury trial was knowing and intelligent in light of the trial court's statement prior to the waiver that such waiver would result in "some benefit" to defendant.

WEDNESDAY, MAY 30, 2001—9:00 A.M.

(4) Conservatorship of Wendland, S087265

#00-74 Conservatorship of Wendland, S087265. (C029439; 78 Cal.App.4th 517.) Petition for review after the Court of Appeal reversed a judgment in a conservatorship proceeding. This case concerns whether Probate Code section 2355 authorizes a conservator to withhold life-sustaining nutrition and hydration from a conservatee who is not in a persistent vegetative state and, if so, whether the statute is constitutional.

(5) In re Arturo D., S085213 [To be called and continued to a future calendar]

#00-24 In re Arturo D., S085213. (A085945; 77 Cal.App.4th 160.) Petition for review after the Court of Appeal reversed an order of the juvenile court. *Arturo D.* presents issues concerning the propriety of the search of the interior of a vehicle whose driver, upon being detained for a traffic violation, fails to produce a driver's license, other identification, or the vehicle registration.

(6) People v. Toledo, S089957

#00-115 People v. Toledo, S089957. (B126748; 81 Cal.App.4th 322.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case concerns whether the general attempt statute (Pen. Code, § 664) does, and constitutionally may, apply to create the crime of an attempted violation of Penal Code section 422 (criminal threats).

(7) People v. Masloski, S088091

#00-90 People v. Masloski, S088091. (B134820.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case includes the issue of whether a plea agreement in a criminal case may provide for an increased sentence in the event defendant fails to appear for sentencing.

1:30 P.M.

(8) Montenegro v. Diaz, S090699

#00-122 Montenegro v. Diaz, S090699. (E025810; 82 Cal.App.4th 1.) Petition for review after the Court of Appeal reversed the order in a custody proceeding. This case concerns whether a stipulated order for custody in a dissolution proceeding constitutes a “prior judicial determination” of the child’s best interests so as to require that later custody decisions be based on “changed circumstances” rather than on “the best interests of the child.”

(9) Renee J. v. Superior Court, County of Orange (Orange County Social Services Agency), S090730

#00-119 Renee J. v. Superior Court, County of Orange (Orange County Social Services Agency), S090730. (G026981; 81 Cal.App.4th 1019.) Petition for review after the Court of Appeal granted a petition for a peremptory writ of mandate. This case concerns whether a trial court, in a dependency proceeding, may deny reunification services to a parent under Welfare and Institutions Code section 361.5(b)(10)(A) without finding that the parent has not made a reasonable effort to treat the problems that led to the prior removal of a sibling or half-sibling of the dependent child.

(10) People v. Williams, S076262

#99-53 People v. Williams, S076262. (C025458; 68 Cal.App.4th 519.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case concerns whether the 1994 revision of CALJIC 9.00 correctly defines the mens rea of assault.

THURSDAY, MAY 31, 2001—9:00 A.M.

(11) Richards v. CH2M Hill, S087484

#00-80 Richards v. CH2M Hill, S087484. (C027848; 79 Cal.App.4th 570.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes an issue concerning the extent to which the continuing violation

doctrine permits an employee to recover for a pattern of discriminatory conduct that occurred over a long period of time and that commenced outside the limitation period of the Fair Employment and Housing Act.

(12) *Flannery v. Prentice*, S080150

#99-136 *Flannery v. Prentice*, S080150. (A083668; 72 Cal.App.4th 395.) Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case concerns whether attorney's fees awarded under the Fair Employment and Housing Act belong to the party or to the party's attorneys. (See Gov. Code, § 12900 et seq.)

(13) *Donovan v. RRL Corporation*, S082570

#99-177 *Donovan v. RRL Corporation*, S082570. (G024997; 74 Cal.App.4th 540.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case concerns whether an automobile dealer is obligated to sell a vehicle at its advertised price when that price is the result of a printing error by the newspaper. (See Veh. Code, § 11713.1(e).)

1:30 P.M.

(14) *People v. Sanchez*, S088025

#00-91 *People v. Sanchez*, S088025. (E022834.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case concerns whether two codefendants, who were involved in a gun battle with one another, may both be convicted of first degree murder of an innocent bystander who was killed by a single bullet fired during the gun battle.

(15) *People v. Cervantes*, S083267

#99-197 *People v. Cervantes*, S083267. (G022732; 75 Cal.App.4th 28.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case includes an issue concerning whether vicarious liability for murder may be imposed upon a defendant under the provocative acts theory when a third party, who was not connected to defendant's provocative act, was subsequently killed by others in revenge for that act.

(16) People v. Ward Francis Weaver, S004665 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.